

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**CANDIDO ALVA-DIAZ,  
MARTIN CAMPOS-ALBARRAN,  
MARTIN CAMPOS-CALDERON,  
NOE HERNANDEZ-ROMERO,  
SANTOS PENA and  
SAMUEL HERNANDEZ-MONTILL,**

## Defendants.

**8:07CR71**

## ORDER

A pretrial conference pursuant to Fed. R. Crim. P. 17.1 was held in Courtroom No. 7, Roman L. Hruska U.S. Courthouse, 111 South 18<sup>th</sup> Plaza, Omaha, Nebraska, on March 23, 2007. At the conference, the defendants were represented as follows:

Defendant

Counsel<sup>1</sup>

Martin Campos-Albarran  
Martin Campos-Calderon  
Noe Hernandez-Romero  
Santos Pena  
Samuel Hernandez-Monti

Mary C. Gryva (CJA)  
Donald L. Schense (CJA)  
Justin D. Eichmann (for Dana C. Bradford - CJA)  
John J. Velasquez (CJA)  
Adam J. Sipple (CJA) (by telephone conference)

The government was represented by Assistant U.S. Attorney Kimberly C. Bunjer. Chad Primmer, retained counsel for Candido Alva-Diaz, was delayed in Des Moines and unable to attend.

The conference was held to resolve some discovery issues and to schedule dates for the filing of various motions. This case involves an indictment wherein it is alleged a conspiracy to distribute methamphetamine is alleged to have occurred during a period of

<sup>1</sup>(CJA) refers to counsel being appointed under the Criminal Justice Act, 18 U.S.C. § 3006A. A request for interim CJA payments under the CJA will be forwarded to the Chief Judge of the Eighth Circuit.

May 1, 2006 to February 2007 (Filing No. 1). The government has provided all counsel with the items set forth in the April 11, 2005, letter from the United States Attorney to all counsel (Conference Exhibit 1).

After a discussion of the present state of the discovery, the following schedule is established.

**IT IS ORDERED:**

1. If after compliance with Rule 16 there is necessity for the filing of pretrial motions, they shall be filed by **April 20, 2007**, and that time limit will not be extended by the court except for good cause shown. In this connection, the United States Attorney shall disclose **Brady v. Maryland** (and its progeny) material as soon as practicable. Should the Defendant nonetheless file a motion for such disclosure, such motion shall state with specificity the material sought. In the event that any motions are filed seeking bills of particulars or discovery of facts, documents, or evidence, as part of the motion **the moving party shall** recite that counsel for the movant has conferred with opposing counsel regarding the subject of the motion in an attempt to reach agreement on the contested matters without the involvement of the court and that such attempts have been unsuccessful. The motion shall further state the dates and times of such conferences;

2. If any pretrial motion is filed by either side, the supporting brief required by the provisions of NCrimR 12.3(b)(1) shall be simultaneously filed. Opposing briefs shall be filed **on or before May 2, 2007**.

3. Motions in limine addressed to matters at trial shall be filed no earlier than fourteen (14) days before a scheduled trial date, and no later than two (2) business days before trial. Any motions filed outside this time period may be summarily denied.

4. The court finds that this case is unusual and complex due to the number of defendants, the nature of the prosecution, and the existence of novel questions of law and fact. For these reasons it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by the Speedy Trial Act, and the continuances requested by counsel for defendants serve the ends of justice and outweigh the interests of the public and defendants in a speedy trial. **See**, 18 U.S.C. §

3161(h)(8)(A) & (B). As a result, time is **excluded from March 23, 2007 through and including April 20, 2007.**

DATED this 23rd day of March, 2007.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge